

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 6, 2011

The Lincoln County Board of County Commissioners met June 6, 2011 at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
George Arena, Vice Chair
James A. Klein
Carrol Mitchem
Carl E. Robinson, Jr.

Planning Board Members Present:

Jeff Frushtick, Chairman
Gary Garlow, Vice-Chairman
John Anderson
Tom Campbell
Cathy Davis
Keith Johnson
Shelly Johnston
Dr. Richard Pence
Christine Poinsette

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Burns Whittaker, Public Works Director

Call to Order: Chairman Patton called the June 6, 2011 meeting of the Lincoln County Board of Commissioners to order.

Adoption of Agenda: Chairman Patton presented the agenda for the Board's approval.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

JUNE 6, 2011

- 6:40 PM Call to Order
1. 6:41 PM Adoption of Agenda
 2. 6:42 PM Public Hearing on the County Budget and Capital Improvements Program for FY 2012
 3. 7:20 PM Consent Agenda
 - Approval of Minutes
 - Tax Requests for Releases - More than \$100
- April 16 - May 15, 2011
 - Tax Requests for Refunds - More than \$100
- May 9 - 15, 2011
 - Resolution #2011-35: Resolution Amending the Classification and Compensation Plan for Lincoln County, North Carolina
 - Ordinance #2011-9: An Ordinance Amending the FY 2011 Budget for the County of Lincoln, North Carolina
 4. 7:25 PM Planning Board's Recommendations - Randy Hawkins

ZMA #585 Lincoln County Planning and Inspections Department, applicant A proposal to amend the Lincoln County Zoning Map to establish a special district in areas fronting along N.C. 16 Business, Optimist Club Road, Triangle Circle and portions of N.C. 73, N.C. 150, Old Plank Road, Pilot Knob Road, St. James Church Road and Campground Road. The proposed Eastern Lincoln Development District would typically extend 500 feet from the edge of the road right-of-way.

UDO Proposed Amendment #2011-3 Lincoln County Planning and Inspections Department, applicant. A proposal to amend Section 2.5 of the Lincoln County Unified Development Ordinance to add standards for the proposed Eastern Lincoln Development District. The special standards would apply to commercial, industrial, multi-family and planned development and address issues such as permitted uses, building design, site development and signage.
 5. 7:35 PM Continuation of the hearing on PCUR #110-R - Lincoln County Planning and Inspections Department, applicant concerning the possible revocation of the conditional use permit for the Burton Creek Development - Randy Hawkins
 6. 8:00 PM Zoning Public Hearings - Randy Hawkins

CUP #301 Freeman Properties, LLC, applicant (Parcel ID# 77948) A request for a conditional use permit to allow bulk

storage of propane in the I-G (General Industrial) district. The 7.3-acre parcel is located at 6381 Denver Industrial Park Road, on the north side of Denver Industrial Park Road, about 1,800 feet north of Sinclair Street, in Catawba Springs Township.

PA #33 Lincoln Economic Development Association, applicant (Parcel ID# 58942, 51879, 56205, 90018 and 90024) A request for preliminary plat approval to subdivide 96.69 acres into 10 lots for the Airlie Industrial Park. The property is located off Optimist Club Road and adjacent to Rufus Road in Catawba Springs Township.

7. 8:30 PM Request for Waiver of Rezoning Application Fee - Randy Hawkins
 8. 8:35 PM Private Road Name Public Hearings - Netta Anderson
- Sandstone Trail
 9. 8:40 PM Motion to adopt Resolution #2011-36: A Resolution Making Certain Findings Relating to the Authorization and Issuance of General Obligation Refunding Bonds of the County of Lincoln, North Carolina and Authorizing the Finance Director to file application for approval thereof with the North Carolina Local Government Commission

Motion to approve an Order Authorizing \$34,500,000 Refunding Bonds for the County of Lincoln, North Carolina (see pages 3-4 of attachment)
 10. 8:50 PM Public Comments
 11. 9:05 PM James W. Warren Citizens Center Patio - Recommendation for Contract Award - Burns Whittaker
 12. 9:15 PM Award of Contract for Library Renovations - Burns Whittaker
 13. 9:25 PM Award of Contract for Emergency Medical Services - Martha Lide
 14. 9:35 PM Motion to Authorize Chairman and Clerk to execute a Lease Agreement for West Lincoln Library - George Wood
 15. 9:45 PM Other Business
- Adjourn

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to move public comments to 3a.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to adopt the agenda with item 13 removed.

Public Hearing on the County Budget and Capital Improvements Program for FY 2012:

George "Chip" Sain said he is an Accountant and there is some room to cut in this budget.

Mike Davis said the Board needs to trim and this budget is ridiculous.

Robert Avery said a survey should have been done before the budget vote.

Commissioner Mitchem said 31,387 parcels in Lincoln County will have a tax increase. He said he has a problem with a budget where that many parcels will receive a tax increase.

Consent Agenda: UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Consent Agenda.

- Approval of Minutes
 - April 4, 2011
 - April 18, 2011
 - May 2, 2011
- Tax Requests for Releases - More than \$100
 - April 16 - May 15, 2011

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
AND #105-325 INCLUDING (A) (6)

PERIOD COVERED
(April 16, 2011 - May 15, 2011)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Herman, Christopher	2009-2010	ELFD/ELSD	0195163	\$103.66	Did not own personal property as of 1/2009.
		TOTAL		\$103.66	

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
AND #105-325 INCLUDING (A) (6)

PERIOD COVERED
(Apr. 16, 2011 - May 15, 2011)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Austin, James Miller	2010	SFFD	0080663	\$144.94	Pro-rated bill.
Barnett, Leonard Earl Jr	2010	City	0232740	\$488.16	Vehicle taxable in Catawba County.
Cloer, Elizabeth Darlene	2010	City	0232574	\$240.47	Vehicle taxable in Gaston County.
Daniel, Janice Kinlaw	2010	City	0231868	\$125.21	Vehicle taxable in Gaston County.
Eckerson, Edward Everett Jr	2010	DFD	0194557	\$119.75	Did not own vehicle.
Graham, Frances Renee	2010	City	0223126	\$124.19	Vehicle taxable in Gaston County.
Houston, Mark Kenneth	2010	City	0231807	\$315.95	Vehicle taxable in Catawba County.
Ibberson, Robert J Jr	2010	City	0231815	\$320.70	Vehicle taxable in Catawba County.
Johnson, Colleen Frances	2010	City	0231850	\$107.69	Vehicle taxable in Gaston County.
Jonas, William Bradley	2010	BCFD	0143080	\$132.94	Pro-rated bill.
Lawing, Mark Douglas	2010	City	0119516	\$158.60	District correction.
Mason, David Randall	2010	ELFD/ELSD	0231880	\$112.29	Pro-rated bill.

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
AND #105-325 INCLUDING (A) (6)

PERIOD COVERED
(Apr. 16, 2011 - May 15, 2011)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Mayberry, Ronald William	2010	City	0102520	\$106.77	Pro-rated bill.
Pittman, Lori Roseman	2010	City	0232379	\$148.25	Vehicle taxable in Catawba County.
Rudisill, Sherri Kiser	2010	City	0211100	\$191.31	Vehicle taxable in Gaston County.
Thomas, Michael Bruce	2010	HCFD	0219126	\$121.61	Vehicle taxable in Catawba County.
Travis, Kevin Lee	2010	City	0203788	\$111.31	Vehicle taxable in Catawba County.
Vasconcelo, Luis	2010	City	0225110	\$231.20	Pro-rated bill.
			TOTAL	\$3,301.34	

- Tax Requests for Refunds - More than \$100
- May 9 - 15, 2011

PERIOD COVERED (MAY 9, 2011-MAY 15, 2011)

MANAGER'S (

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00
(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
LAWING, MARK D.	09-10	UFD	0119516	360.45	DISTRICT CORRECTION
			TOTAL	\$360.45	

- Resolution #2011-35: Resolution Amending the Classification and Compensation Plan for Lincoln County, North Carolina

**RESOLUTION AMENDING THE CLASSIFICATION AND COMPENSATION PLAN FOR
LINCOLN COUNTY, NORTH CAROLINA**

WHEREAS, the Board of County Commissioners previously has adopted a Classification and Compensation Plan for Lincoln County, North Carolina, which was prepared by Condrey and Associates, Inc; and

WHEREAS, the County Manager is charged with assuring the Plan remains current and up to date; and,

WHEREAS, requested that one of the Senior Waste Water Treatment Plant Operators positions, pay Grade 16, be reclassified to Waste Water Treatment Plant Operator, pay Grade 12; and

WHEREAS, this would be a reduction in salary of this position; and

WHEREAS, the County Manager and the Human Resources Director have reviewed the request and have recommended the classification changes;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the Position Classification and Compensation Plan for Lincoln County North Carolina is hereby amended as follows:

- o Reclassify one of the Senior Waste Water Treatment Plant Operator position, pay Grade 16, to Waste Water Treatment Plant Operator, pay Grade 12.

That this amendment shall become effective on _____ 2011.

Adopted this ____ day of _____ 2011

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

- Ordinance #2011-9: An Ordinance Amending the FY
2011 Budget for the County of Lincoln, North Carolina

**ORDINANCE #2011-9: AN ORDINANCE AMENDING THE FY 2011 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2011 Budget by approving Ordinance #2010-05 on June 21, 2010; and

WHEREAS, the Finance Director and County Manager are recommending further amendments as shown on the attachments herein; and

WHEREAS, the Lincoln County Board of Commissioners wishes to approve these proposed budget amendments;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2011 Budget previously adopted is hereby amended as follows:

Section 1. That the budget amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2011-9, are hereby approved and adopted as amendments to the FY 2011 Budget.

Section 2. That this amendment to the budget shall become effective immediately upon its adoption by the Board of Commissioners.

Passed and adopted this 6th day of June, 2011.

BY: _____
Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2011-9
Budget Amendments numbered 166 through 177, inclusive.

Public Comments:

Robert Avery asked if the County is planning on running a survey. Chairman Patton said that staff is putting together costs for a survey.

Gerald Johnston said he has lived in Lincoln County 25 years. He said crazy laws take away freedoms and under the East Lincoln Development District, the cost of doing a building will be 10 to 20% more.

Paul Stewart said he has been coming around Lake Norman since the 1960's and he knows right is right and wrong is wrong. He said the ELDD is wrong.

Steve Isaac said he is in the real estate businesses and is trying to keep places to live that people who don't make \$50,000 or \$100,000 can afford. He spoke concerning out of county dumping at convenience sites.

Planning Board's Recommendations – Randy Hawkins: The following two cases were considered as one.

ZMA #585 – Lincoln County Planning and Inspections Department, applicant: A proposal to amend the Lincoln County Zoning Map to establish a special district in areas fronting along N.C. 16 Business, Optimist Club Road, Triangle Circle and portions of N.C. 73, N.C. 150, Old Plank Road, Pilot Knob Road, St. James Church Road and Campground Road. The proposed Eastern Lincoln Development District would typically extend 500 feet from the edge of the road right-of-way.

UDO Proposed Amendment #2011-3 – Lincoln County Planning and Inspections Department, applicant: A proposal to amend Section 2.5 of the Lincoln County Unified Development Ordinance to add standards for the proposed Eastern Lincoln Development District. The special standards would apply to commercial, industrial, multi-family and planned development and address issues such as permitted uses, building design, site development and signage.

The Planning Board voted 6-0 to recommend approval.

Commissioner Mitchem said he has not heard from any landowners who want this. The people who want this are the ones not directly affected by it. He said he cannot support this.

A MOTION by Commissioner Klein, the Board voted 4 – 1 (FOR: Patton, Arena, Klein, Robinson; AGAINST: Mitchem) to approve the Planning Board's recommendation and the Statement of Consistency and Reasonableness.

Continuation of the hearing on PCUR #110-R – Lincoln County Planning and Inspections Department, applicant, concerning the possible revocation of the conditional use permit for the Burton Creek Development – Randy Hawkins:

Randy Hawkins said the Board of Adjustment held a hearing on appeal and voted 5-0 to deny the appeal. Fifth Third Bank has not complied with those conditions. The issues are: \$500,000 bond or letter of credit requirement to cover the cost of removal of sediment from Burton Creek and the requirement to hire an independent firm to monitor depths of downstream loves monthly. He said Fifth Third has complied with neither condition.

George Wood presented the Board with copies of the requirements of the UDO dealing with revocation of a Conditional Use Permit.

Chairman Patton asked if any Commissioner had ex parte' communications and none were announced.

Rob Pressley, Caldwell Banker Commercial Mecca representing Fifth Third Bank said he has been involved in this matter since before the bank took over. He said they feel they have made attempts to come to a reasonable agreement. He said they recently brought a proposal before the county, which was rejected. He said the onsite work has been completed and they continue to monitor the site. He said they felt the amount of the letter of credit was excessive and even county staff felt it was excessive. He said they have received bids on the dredging of the coves and will move forward regardless of the decision tonight. He respectfully asked that the CUP not be removed and that the County allow them to sell this property to an interested buyer. He said revoking the CUP does nobody any good. He said the decision will be based on the findings of fact. He said he does not dispute the finding of fact. He said if the Board does not revoke the CUP, it is his understanding they will put up the \$500,000 Letter of Credit, will begin cove monitoring and dredging, and will fix the Frank and Reiser properties. Mr. Pressley mentioned the agreement concerning sewer infrastructure. He said they are prepared to pay, but have to do so in a way that a builder can be successful.

Mr. Wood asked if the \$500,000 bond will stay in place. He said the reason he is asking is because the previous information sent was that the bond would drop after one year to \$175,000.

Chairman Patton declared the public hearing closed.

UPON MOTION by Commissioner Arena, the Board voted unanimously to accept the Findings of Fact as presented by the Planning Board based on the fact that they are not in compliance with the \$500,000 bond and they are not in compliance with the cove monitoring as was required in the Conditional Use Permit.

A MOTION by Commissioner Arena to revoke the Conditional Use Permit effective June 13, 2011 based on the findings of fact.

Commissioner Klein said he will not support an additional week. He said the Board is open to reasonable offers.

VOTE: 4-1 FOR: Patton, Mitchem, Arena, Robinson
AGAINST: Klein

New Business/Advertised Public Hearings: Chairman Patton announced that this was the date, Monday, June 6, 2011, and the time, 6:30 P.M., which was advertised in the Lincoln Times-News on May 27 and June 3, 2011.

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, June 6, 2011, at 6:30 p.m. to consider the following matters:

CUP #301 Freeman Properties, LLC, applicant (Parcel ID# 77948) A request for a conditional use permit to allow bulk storage of propane in the I-G (General Industrial) district. The 7.3-acre parcel is located at 6381 Denver Industrial Park Road, on the north side of Denver Industrial Park Road, about 1,800 feet north of Sinclair Street, in Catawba Springs Township.

PA #33 Lincoln Economic Development Association, applicant (Parcel ID# 58942, 51879, 56205, 90018 and 90024) A request for preliminary plat approval to subdivide 96.69 acres into 10 lots for the Airlie Industrial Park. The property is located off Optimist Club Road and adjacent to Rufus Road in Catawba Springs Township.

Interested parties may appear at the public hearings, which will be held in the Commissioners Room on the third floor of the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Lincoln County Planning and Inspections Department at (704) 736-8440.

2T: May 27, June 3, 2011

Zoning Public Hearing – Randy Hawkins:

Conditional Use Permit No. 301 – Freeman Properties, LLC, applicant: Randy Hawkins presented the following information concerning CUP #301.

Chairman Patton opened the public hearing concerning CUP #301 – Freeman Properties, LLC, applicant.

The applicant is requesting a conditional use permit to store propane in the I-G (General Industrial) district. Under the Unified Development Ordinance, bulk storage of flammable liquids is a conditional use in the I-G district. The owner of the property has authorized Freeman Properties to apply for a permit. Freeman Properties is associated with Freeman Gas, a propane dealer. Two 30,000-gallon storage tanks are proposed. A site plan is included as part of the application and shows the proposed location of the tanks.

The proposed 7.3-acre site is located at 6381 Denver Industrial Park Road, on the north side of Denver Industrial Park Road about 1,800 feet north of Sinclair Street. It is adjoined by property zoned I-G, R-T (Transitional Residential) and R-SF (Residential Single-Family). This property includes a 9,300-square-foot unfinished building. Land uses in this area include industrial and residential. The Lincoln County Land Use Plan designates this property as part of an industrial area.

Chairman Patton opened the Public Hearing concerning Conditional Use Permit No. 301 – Freeman Properties, LLC, applicant.

Bob Hecht, speaking on behalf of the applicant said this is a perfect location for this business. He said it is at the back of the Industrial Park and not on Highway 16.

Mike Robbins, applicant, said this is a family owned company that has been in business 75 years. He said employees are trained and if this is approved, they are governed by the Department of Agriculture.

Martin Oakes spoke concerning natural gas and propane.

Being no additional speakers, Chairman Patton declared the public hearing closed.

Plat Approval No. 33 – Lincoln Economic Development Association, applicant:
Andrew Bryant presented the following information concerning PA #33.

The Lincoln Economic Development Association is requesting preliminary plat review and approval from the Lincoln County Board of Commissioners and Planning Board for the Airlie Park Phase 1 subdivision. The subdivision in question contains 10 lots. The Lincoln County Unified Development Ordinance states in Section 9.6.9, all preliminary plats proposing new roads or the extension of infrastructure shall be submitted to the Board of Commissioners and Planning Board for their approval, disapproval, or approval with conditions.

Airlie Park Phase 1 is located on the south side of Optimist Club Rd. (SR 1380) just east of the railroad. The subdivision is located in the Catawba Springs Township. The tracts in question are approximately 97 acres. The subdivision will be served by a public water and sewer system.

The Lincoln County Land Use plan designates this area as Industrial. Industrial development is located along or in close proximity to the county's major thoroughfares. These projects should be developed in a manner so as to protect and enhance the viewsheds of the thoroughfares and to minimize traffic congestion along the same roads. Such areas that are located near existing residential development shall be undertaken in a manner so as to not negatively impact those areas.

Chairman Patton opened the public hearing concerning PA #33 – LEDA, applicant.

Being no speakers, Chairman Patton declared the public hearing closed.

Chairman Patton called for a brief recess while the Planning Board reconvened their meeting to the commercial kitchen.

Recommendation from the Planning Board: Andrew Bryant presented the unanimous recommendation of approval from the Planning Board and the findings of fact for PA 33.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve PA 33 based on the finding of fact and recommendation from the Planning Board.

Request for Waiver of Rezoning Application Fee – Randy Hawkins: Randy Hawkins presented the following information concerning a request for waiver of rezoning application fee.

Dorothy Sherrill is requesting a waiver of the \$300 fee for applying to rezone her property at 3250 N. Hwy. 16, where she resides (see attached letter). The two-acre site is zoned B-G (General Business). Mrs. Sherrill has submitted an application requesting that the property be rezoned to R-SF (Residential Single-Family). It is adjoined on one side by property zoned R-SF.

A public hearing on the rezoning request would be held Aug. 1. According to the tax department, rezoning the property from business to residential would significantly lower its assessment, effective Jan. 1, 2012. Records show this property has been zoned B-G since zoning was enacted in this area in 1993.

There was a discussion concerning the request and the precedence set with the decision.

A MOTION by Commissioner Robinson to reject the request.

VOTE: 4 – 1 **For: Mitchem, Patton, Arena, Robinson**
 Against: Klein

Chairman Patton opened the public hearing concerning CZ #2011-1.

Private Road Name Public Hearings – Sandstone Trail – Netta Anderson: Netta Anderson presented information

This road is located off of Reeps Grove Church Road and requires naming due to the fact that there are now two structures that access Reeps Grove Church Road via this private road. The name proposed is **Sandstone Trail** and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by the Addressing Department.

Chairman Patton opened the public hearing. Being no one wishing to speak, Chairman Patton declared the public hearing closed.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Private Road Name – Sandstone Trail.

Motion to adopt Resolution #2011-36: A Resolution Making Certain Findings Relating to the Authorization and Issuance of General Obligation Refunding Bonds of the County of Lincoln ,North Carolina and Authorizing the Finance Director to file application for approval thereof with the North Carolina Local Government Commission:

Commissioner Arena introduced the following resolution, which was read by title and summarized by the Finance Director:

RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF LINCOLN, NORTH CAROLINA AND AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION

WHEREAS, in order to achieve debt service savings, the Board of Commissioners for the County of Lincoln, North Carolina (the "County") is considering the authorization of not exceeding \$34,500,000 Refunding Bonds of the County (the "Bonds") for the purpose of (i) refunding all or any portion of the County's outstanding (a) General Obligation School Bonds, Series 2002A, dated December 1, 2002, (b) General Obligation School Bonds, Series 2004, dated October 1, 2004, and (c) General Obligation School Bonds, Series 2005, dated October 1, 2005, and (ii) paying expenses related thereto; now, therefore,

BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County:

Section 1. The Board of Commissioners hereby finds and determines, in connection with authorizing the issuance of the Bonds, that (a) the proposed issuance of the Bonds is necessary or expedient for the County, (b) the proposed principal amount of the Bonds is adequate and not excessive for the proposed purposes of such Bonds, (c) the Bonds shall not be issued unless such refunding will result in net present value debt service savings that equals or exceeds three percent (3.00%) of the amount of the Bonds (d) the County's debt management procedures and policies are good and are managed in strict compliance with law, (e) no increase in taxes will be necessary to service the Bonds and (f) under current economic conditions, the Bonds can be marketed at reasonable rates of interest.

Section 2. The Finance Director is hereby designated as the representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina (the "LGC"), and all actions heretofore taken by the Finance Director and any other officers of the County relating to such matter are hereby ratified and confirmed.

Section 3. The Board of Commissioners hereby authorizes the Finance Director to appoint an Escrow Agent and a Verification Agent and requests the LGC to approve the following members of the County's financing team in connection with the Bonds:

Bond Counsel	Robinson, Bradshaw & Hinson, P.A.
Financial Advisor	First Tryon Advisors

Section 4. This resolution shall take effect immediately upon its passage.

Thereupon the County Attorney stated that he had approved as to form the foregoing resolution.

Upon motion of Commissioner Mitchem, seconded by Commissioner Robinson, the foregoing resolution entitled:

“RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE AUTHORIZATION AND ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF LINCOLN, NORTH CAROLINA AND AUTHORIZING FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL THEREOF WITH LOCAL GOVERNMENT COMMISSION”

was passed by roll call vote as follows:

Ayes: Commissioners Patton, Arena, Klein, Mitchem and Robinson.

Noes: none.

Thereupon Chairman of the Board of Commissioners introduced the following order authorizing bonds, which was read by title and summarized by the Finance Director:

**ORDER AUTHORIZING
\$34,500,000 REFUNDING BONDS**

BE IT ORDERED by the Board of Commissioners for the County of Lincoln:

1. That, pursuant to The Local Government Bond Act, as amended, the County of Lincoln, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power or authority to contract, and in evidence thereof to issue Refunding Bonds in an aggregate principal amount not exceeding \$34,500,000 for the purpose of providing funds, together with any other available funds, for refunding all or any portion of said County's outstanding (a) General Obligation School Bonds, Series 2002A, dated December 1, 2002, (b) General Obligation

School Bonds, Series 2004, dated October 1, 2004, and (c) General Obligation School Bonds, Series 2005, dated October 1, 2005, including the payment of expenses related thereto.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said County has been filed with the Clerk to the Board of Commissioners for said County and is open to public inspection.

4. That this order shall take effect upon its adoption

The Board of Commissioners thereupon designated the Finance Director as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the County which is required by The Local Government Bond Act, as amended, to be filed before the adoption of the order authorizing not exceeding \$34,500,000 Refunding Bonds of the County which was introduced at this meeting.

Thereupon the Finance Director filed with the Clerk to the Board of County Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

Thereupon, upon motion of Commissioner Arena and seconded by Commissioner Mitchem, the foregoing order entitled "ORDER AUTHORIZING \$34,500,000 REFUNDING BONDS" was placed upon its adoption. The vote upon the adoption of said order was:

Ayes: Commissioners Patton, Arena, Klein, Mitchem and Robinson.

Noes: none.

The Chairman then announced that the order entitled: "ORDER AUTHORIZING \$34,500,000 REFUNDING BONDS" had been adopted.

The Clerk to the Board of Commissioners was thereupon directed to publish said order, together with the appended statement as required by the Local Government Bond Act, as amended, once in The Lincoln Times-News.

James W. Warren Citizens Center Patio – Recommendation for Contract Award – Burns Whittaker: Burns Whittaker presented the following information.

1. Bids were opened on May 19 for the replacement of the Patio of the Citizens Center. Four bidders were "pre-qualified" following the Purchasing manual procedures and all submitted bids.

2. The Base Bid includes replacement of the Patio as well as re-grading the northwest corner of the parking lot to bring it within ADA compliance. Alternate G-2 adds repair and resurfacing of the remainder of the parking lot (this is a BOC Goal for 2012). Alternate G-1 is to stamp the concrete and G-1A is to color and seal the concrete deck.
3. Williams Design is recommending award to the low bidder, Hickory Construction Company. We concur with this recommendation and request your approval for award of the base bid (\$207,000) plus Alternate G-1 (\$0) G-1A (\$1500.00) and G-2 (\$32,800) for a total award of \$241,300.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the recommendation for the Contract Award of the James W. Warren Citizens Center Patio.

Award of Contract for Library Renovations – Burns Whittaker: Burns Whittaker presented the following information.

Bids were opened on May 17 for the Renovations to the main Library. Six bids were received. Stewart, Cooper, Newell is recommending award to the low bidder, Louis Gais Construction Co of Denver in the amount of \$152,444. We concur with this recommendation and request your approval.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Award of Contract for Library Renovations.

Mr. Whittaker gave a report on a situation at the Water Plant. A main 36” waterline at the plant is leaking. They are prepared to go in and correct the waterline, but will have to shut the plant down to do so. They will fill the tanks up and declare mandatory restrictions on water use the weekend of June 17. Notice will be given in the newspaper.

Mr. Whittaker gave an update on Solid Waste on rates in the regional area.

Motion to Authorize Chairman and Clerk to execute a Lease Agreement for West Lincoln Library – George Wood: George Wood presented the lease for the West Lincoln Library for the Board’s approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to authorize the Chairman and Clerk to execute a Lease Agreement for West Lincoln Library.

Adjourn: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners

